IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.20596 of 2002

Between:

1. Sri P.V.Surya Brahmam, S/o. Mallaiah,
R/o. C/o. P.V.Surendra Babu, D.No. 24-9-100, R.Agraharam,
Guntur-522 003.

2. P.V.Subramanyam, S/o. Veeraiah,
R/o. C/o. P.V.Surendra Babu, D.No. 24-9-100, R.Agraharam,
Guntur-522 003.

3. Penugonda Syam, S/o. Sambasiva Rao,
R/o. C/o. P.V.Surendra Babu, D.No. 24-9-100, R.Agraharam,
Guntur-522 003.

...PETITIONERS

AND

1. The Commissioner,
Municipal Corporation, Guntur.

2. The Executive Engineer, R & B Department,
Guntur.

3. Koralla Mohana Krishna Ranga Sai,
Besides Vysya bank, Sharaf Bazar, Near Flower Market,
D.No. 23-1-82 to 86, Guntur-522 003.
4. Kothamasu Prasad Rao,
Besides Vysya bank, Sharaf Bazar, Near Flower Market,
D.No. 23-1-82 to 86, Guntur-522 003.
5. Kothamasu Steel Emporium, Rep.by its Managing Partner, K.Nageswara Rao, Besides Vysya bank, Sharaf Bazar, Near Flower Market,
D.No. 23-1-82 to 86, Guntur-522 003.
6. Ning Chain Amma (Dental Hospotal) Rep.by Dr. Than Pitchch,

Besides Vysya bank, Sharaf Bazar, Near Flower Market,
D.No. 23-1-82 to 86, Guntur-522 003.

7. Sha Giridharlal Mohanlal & Co, Rep.by its Partner Vimala Devi,W/o. Mohanlal, Besides Vysya bank, Sharaf Bazar, Near Flower Market,
D.No. 23-1-82 to 86, Guntur-522 003.

8. Netaji Diamond & Co Rep.Ch Sambasiva Rao,
Besides Vysya bank, Sharaf Bazar, Near Flower Market,
D.No. 23-1-82 to 86, Guntur-522 003.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issued Writ or order or direction specifically one in the nature of Writ of Mandamus declaring the action of the 1st respondent in RC No. 13081/2001/G1 dated 02.03.2002 as illegal, arbitrary (1) to (2) in not implementing the Proceedings (1) and (2) to implement the said proceedings dated 02.03.2002 by demolishing said dangerous structure of the petitioners building bearing No.23-1-82-86, Block, 5, T.S.No.307, Situated at Main Road (Bharat cafe Centre) Besides Vysya Bank, Sharaf Bazar Near Flower Market Guntur and remove the said demolished material forthwith.

Counsel for the Petitioners: MR.B.KRISHNA MOHAN

Counsel for the Respondents: MR.T.S.VENKATARAMANA

The Court made the following:

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ORDER:

The first respondent by order, dated 02.03.2002 informed the second petitioner and others to remove the structure of the building bearing No.23-1-82 to 23-1-86 as the same is in a dilapidated condition. The petitioners who are the owners of the building requested respondent Nos. 3 to 8 who are the tenants to vacate the building for the purpose of demolition of the structure. They allege that respondent Nos.1 and 2 are colluding with respondent No.3 to 8 and not implementing the orders of the first respondent. Therefore, the present Writ Petition is filed seeking a Writ of Mandamus declaring the action of respondent Nos.1 and 2 in not implementing the proceedings of the first respondent is violative of Articles 14 and 21 of the Constitution of India and a consequential direction to respondent Nos.1 and 2 to implement them. This Court admitted the Writ Petition on 11.10.2002 and ordered notice in W.P.M.P.No.25793 of 2000. The W.P.M.P. is listed today for further orders.

The Writ Petition is being disposed of at this stage itself as a counter-affidavit is filed stating that respondent Nos.3 to 8 have vacated the building and the petitioners surrendered the building. It is also stated that respondent Nos.1 and 2 have implemented the orders dated 02.03.2002 by duly demolishing the structure. In view of the counter averment, the cause of action does not survive.

The Writ Petition is, therefore, dismissed.

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(V.V.S.RAO, J)

3rd September 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Commissioner,
   Municipal Corporation, Guntur.

2. The Executive Engineer, R & B Department,
   Guntur.

3. Two CD copies.